

Meeting Minutes  
Board of Zoning Appeals  
August 8, 2024

Members present:

Don Criswell, Chr  
Debbie Brammer, Vice Chr  
Dave Barker, VBM  
Jennifer Kelsik, VBM  
Joel Harvey, Atty  
Kenny Melton, Sec  
Janet Davis, Clerk

Absent:

Peggy Manor, VBM

Also in attendance: Gene Sewell, Tony Saunders, Kenny Addison, Phyllis Coatie, Anita Hullman, and Larissa Hicks

The New Castle Board of Zoning Appeals met on Thursday, August 8, 2024, in the City Council Chambers.

Chairman Criswell brought the meeting to order at 6:05pm, and confirmed that the members present had reviewed the minutes from the June 13, 2024 meeting. Dave Barker made a motion to accept the minutes, second by Debbie Brammer; the motion passed. Since a quorum was present but two voting members were absent, the applicants were advised they could postpone presenting their request until the next meeting. The applicants present all indicated they preferred to move forward with their requests at this meeting.

The Chairman then introduced the first item on the agenda, BZA-8-24, an application submitted by Raintree Habitat for Humanity, 605 New York Avenue, New Castle; seeking a variance at 1620 E Avenue, New Castle, to construct a single-family residence of approximately 1064 square feet, without meeting the minimum lot size and lot width requirements; in R2 single- and two-family residential zoning. This application was postponed from previous meetings.

Gene Sewell, Executive Director of Raintree Habitat for Humanity, was present to address their application requesting to construct 1064 sf home. He informed the members that Habitat had built several homes in the immediate area surrounding the property in this application, in the past few years. He reminded them that he had been before this board seeking a variance to build on a small lot at a nearby property that had been approved.

Debbie Brammer asked Mr. Sewell if reducing the setback requirements was leaving enough yard space for children, and he advised her that, although the side yards would be narrow, they were meeting the front setback and exceeding the rear setback, allowing for a substantial rear yard. He further advised the tree would be removed from the rear of the lot providing additional green space in the lawn.

Don Criswell then informed those in attendance that Habitat had built the same house across the street from this site, on the same size lot, that turned out well. Debbie Brammer asked if Habitat was also building another house to the side of this site and was informed that Habitat had just finished building on D Avenue but the other build site on E Avenue was not a Habitat build site. Don Criswell then advised he was the Building Trades instructor for the New Castle High School and the class would be building this house this year in school. Both Kenny Melton and Dave Barker commented that Habitat builds were improving the neighborhood. Mr. Criswell stated that owner of one of the houses built by Habitat on the corner lot had recently passed away, and the house sold for about \$150,000.

Dave Barker then confirmed with Janet Davis that the applicant had completed the legal requirements.

When Chairman Criswell offered the floor to anyone wishing to speak on this request, one of the other applicants commented she had lived in a Habitat home for five years, and she appreciates what they do. With no other comments, he then called for voting. After conducting a roll call vote, Janet Davis announced the following outcome:

BZA-8-24: granted 3-0, with two absent voting members

Mr. Sewell was advised to contact the Building Commissioner's office to proceed with permitting this project.

Jennifer Kelsik, voting board member, arrived to the meeting at 6:15pm, with her apologies.

Next, the Chairman introduced BZA-9-24, an application submitted by Walia Maninder of GKG Properties LLC, 7619 Oak Grove Drive, Indianapolis, IN; requesting a variance at 2008 Broad Street, New Castle; to construct a second apartment building and exceed the lot coverage, and front and rear setbacks; with non-conforming R3 multi-family use in R2 single- and two-family residential zoning.

Tony Saunders, local attorney, represented the applicant, advising the board that this property had a peculiar issue in that half of the property was zoned C1 commercial, where the existing twelve-unit apartment building was built in 1971; and the other half of the property was zoned R2 residential single- and two-family zoning, where the second twelve-unit apartment building was proposed, using the same design as the existing building. He pointed out that this property was in a mixed-use location, surrounded by residences as well as churches, a funeral home, Family Dollar, a fuel station so it would fit in nicely. They felt the addition of a second apartment building was an appropriate use and would add to the area.

Mr. Saunders confirmed for Dave Barker that the new building would mirror the existing one with the same number of units and with the same style of parking added to the west side of the property. When Mr. Barker asked about the current condition of the existing building, Kenny Addison, Mr. Maninder's property manager, informed him the structure had experienced a fire in 2019, causing a complete update to the interior of the building. Kenny Melton confirmed this update. Mr. Barker then confirmed with Janet Davis that this applicant had met the legal requirements.

The Chair then offered the floor to anyone wishing to speak either in favor of or in opposition to the request. One of the other applicants commented she had lived in one of those apartments in the 1970's and they were well-kept at the time. When no one else responded, the Chair then called for voting. After conducting a roll call vote, Janet Davis announced the following outcome:

BZA-9-24: Granted 4-0, with one absent voting member  
Kenny Melton advised the applicant to contact his office once the state had released their design.

Chairman Criswell then introduced the third item on the agenda, BZA-10-24, Ronald and Phyllis Coatie, 234 South 23<sup>rd</sup> Street, New Castle; requesting to add a 12' x 24' prebuilt shed on the empty lot previously known as 228 South 23<sup>rd</sup> Street and also known as parcel 030-45634-00; exceeding the size of shed allowed, on a lot without a residence; in R2 single- and two-family residential zoning.

Mrs. Coatie addressed the board members, stating she and her husband owned the vacant lot which was on the northeast corner of South 23<sup>rd</sup> and Wood Streets, directly across the street from their residence. Previously, a mobile home and shed were located on the lot, and a concrete slab and footings from the trailer remained. They were currently clearing the lot and would like to add the shed to use for storage.

Dave Barker confirmed with Janet Davis that the legals for this request had been met, and Don Criswell confirmed this was a few blocks south of Broad Street, and that South 23<sup>rd</sup> Street was a dead end at the railroad tracks.

When no additional discussion followed, the Chair then opened the floor to anyone wishing to speak on this request. With no response, he then called for voting. After conducting a roll call vote, Janet Davis announced the following outcome:

BZA-10-24: Granted 4-0, with one absent voting member

Chairman Criswell introduced the next item, BZA-11-24, an application made by Anita Hillman, 2617 South 19<sup>th</sup> Street, New Castle; requesting to add one puppy to her existing four pets, exceeding the number allowed until, by attrition, the number is again reduced to four pets; in R1 single-family residential zoning.

Ms. Hillman informed the board members that she had two dogs, one that was thirteen years old and the other eight months old, as well as two cats. She was not aware there was a limit on the number of pets allowed by ordinance, and recently ordered a new pup, making a down payment on the animal. It was then, when she went to enroll the eight-month-old in obedience class at the shelter, that she learned there was a limit on the number of animals allowed. Although no one would be the wiser if she had not applied, she believed she should do the right thing and make this request to the board. She does have the new puppy as the breeder would not hold her. She currently visits nursing homes with her younger dog, and wants to train the newest pup with the younger dog to do the same ministry. She has spoken with her neighbors on all sides and none of these neighbors had issue with her request. Her dogs are crated in the house during the day while she works but her son lives with her and works night shift so he is there to give the animals

breaks. She does have a fenced in yard. When asked, she revealed these are golden mini doodles that will average no more than sixteen pounds when full grown.

Janet Davis then advised the board that she had spoken with Lisa South at the NCHC Animal Shelter and they were on board with approving this request.

Dave Barker confirmed with Janet Davis that this applicant had completed the legal requirements for her request. Don Criswell thanked Ms. Hillman for her good conscious and doing the right thing. Janet Davis reminded the board that a similar request had previously been presented and approved by this board.

The Chairman then asked if anyone was present who wished to speak on the matter, and with no response, called for voting. Joel Harvey advised that this request, if granted, should be personal in nature to the applicant. With the Board's agreement, Janet Davis then completed a roll call vote, and announced the following outcome:

BZA-11-24: Granted, 4-0 with one absent voting member, and personal in nature to the applicant, who agrees to reduce the number of pets to comply with ordinance, through attrition. Janet Davis asked Ms. Hillman to check with the animal shelter to confirm whether they needed to issue her a kennel permit for exceeding ordinance.

Chairman Criswell then introduced the final request on the agenda, BZA-12-24, Larissa Hicks and Damian Walcott of 1617 A Avenue, New Castle; requesting to keep the 14' x 32' prebuilt shed that had been added to their lot next door, on parcel 030-42307-00; that exceeds the size allowed and without a residence on the lot; in R2 single- and two-family residential zoning.

Ms. Hicks addressed the board, advising they had purchased the shed without realizing it would violate ordinance and would like to keep it. She learned there were issues when she contacted the Building Inspector's office to ask about permit requirements. Upon learning of the issues, she then applied for the variance. Since the shed had already been ordered and their transaction completed, delivery of the shed was made after making application but before this meeting.

Dave Barker confirmed that Ms. Hicks and Mr. Walcott did not intend this shed to be used as a residence. Ms. Hicks informed him they just needed the extra space as their home is somewhat small. Dave Barker then confirmed with Janet Davis that all legal requirements for this application had been met.

The Chairman then asked if anyone wished to speak on this request, and with no response, he called for voting. After completing a roll call vote, Janet Davis announced the following outcome:

BZA-12-24: Granted, 4-0 with one absent voting member  
Ms. Hicks was advised to contact the Building Commissioner's office to obtain a permit.

Don Criswell then asked if this would be the board to consider his request to park the building trades classroom trailer in an alley for the next Habitat build. He has spoken to all neighbors who border the alley. None of these neighbors have issue with the trailer parked in the alley, as none of them use the alley. Joel Harvey advised Mr. Criswell to write a letter to the Board of

Public Works, to consider his request. Their next meeting is scheduled for August 19, 2024. He was welcome to email that letter to the Building Commissioner to take to that meeting.

With no additional business, Dave Barker made a motion to adjourn; second by Jennifer Kelsik. The meeting adjourned at 6:40pm.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kenny Melton", written over a horizontal line.

Kenny Melton, Secretary

New Castle Board of Zoning Appeals